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8 a California corporation

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SOLANO
12 UNLIMITED JURISDICTION
13

14 SOLANO TRANSPORTATION
15 AUTHORITY, a joint exercise of powers
entity,

16 Plaintiff,

17 v.

18 ARTHUR L. ANDERSON, an individual;
19 MATTHEW T. ARCHER, an individual;
DUNNIGAN HILLS FARMING
20 COMPANY, INC., a California
corporation; DOES 1 through 50, inclusive,
21 and ALL PERSONS UNKNOWN CLAIMING
AN INTEREST IN THE PROPERTY,

22 Defendants.
23
24

Case No. FCS 044861

ASSIGNED TO JUDGE HARRY S.
KINNICUTT FOR ALL PURPOSES

**DECLARATION OF TIM DEGRAFF IN
SUPPORT OF OPPOSITION TO MOTION
FOR PREJUDGMENT POSSESSION**

**SIGNATURE SUBMITTED BY
FACSIMILE**

25 I, TIM DEGRAFF, declare as follows:

- 26 1. I am the Chief Executive Officer of WRA Environmental Consultants, located at
27 2169-G East Francisco Blvd., San Rafael, California 94901. I am a certified wetland
28 scientist and I have over 15 years of experience in wetland ecology, wetlands

- 1 regulations, and mitigation banking. I have worked on restoration and mitigation
2 banking projects throughout the United States with much of my experience in
3 California. I also manage several mitigation banks in California including finance,
4 monitoring, sales and marketing, as well as ongoing restoration efforts.
- 5 2. I have personal knowledge of the matters set forth in this declaration, and if called
6 upon to testify, I could competently testify thereto.
- 7 3. This declaration is submitted in support of the Opposition to Motion for Prejudgment
8 Possession. The capitalized terms used herein, unless otherwise defined, have the
9 meanings set forth in the Opposition.
- 10 4. Attached hereto as **Exhibit "A"** and incorporated herein by this reference is a true and
11 correct copy of the Boynton Slough Mitigation Bank Draft Prospectus.
- 12 5. I am working with the sponsor and landowners of the Property on the Boynton Slough
13 Project. In March 2015, we submitted the initial application to establish a mitigation
14 bank on the Property to the Army Corps of Engineers (the "**Corps**"), California
Department of Fish and Wildlife ("**DFW**"), the Environmental Protection Agency
("**EPA**"), and United States Fish and Wildlife Service ("**USFWS**").
6. The Property represents a very unique opportunity to restore streams, wetlands,
riparian areas, and sensitive wildlife habitat. The Property is bordered by two tidal
watercourses known as Suisun Creek (western property boundary) and Boynton
Slough (eastern property boundary). In addition, the property is comprised of
relatively flat land that is above sea level which makes the region ideal for restoring
streams, tidal marsh, seasonal wetland habitats, riparian areas, and sensitive wildlife
habitat.
7. I have looked at many properties in the immediate vicinity of the Property and I feel
this property is the best property in the Suisun Marsh watershed of Solano County.
Other properties in this region are primarily located below sea level or do not have
direct connections to tidal watercourses. Properties that are below sea level are very

1 difficult and expensive to restore to tidal wetlands because they usually require the
2 import of large amounts of fill to increase the elevations of the site to allow tidal
3 marsh vegetation to colonize the restored area. Also, sites below sea level are often
4 subjected to catastrophic floods which can cause significant degradation to restored
5 seasonal wetlands or streams.

6
7 8. The Property has the ability to restore a large amount of habitat due to the physical
8 properties of the land mentioned above including the potential to provide hydrological
9 connections to both Suisun Creek and Boynton Slough. A hydrology study is
10 currently being conducted to support the initial mitigation bank application. The study
11 will describe how these two connections could increase the amount of restored tidal
12 wetlands on the property due to the improved tidal circulation within the restored tidal
13 wetland habitat. The connection to Suisun Creek (western property boundary) would
14 not only improve tidal circulation but it would also increase the amount of stream and
riparian habitat that could be restored within the proposed Rancho Suisun Mitigation
Bank.

9. A conceptual design of the Ranch Suisun Mitigation Bank is included as Figure 13 of
Exhibit A, which was submitted to the regulatory agencies aforementioned. This
figure illustrates that the proposed taking on the Property could prohibit the
connection of the Rancho Suisun Mitigation Bank to Suisun Creek by blocking the
"New Stream Channel" as shown on the key. The elimination of this connection
would have significant implications to the amount of habitat that could be restored on
the property which translates directly to significant lost revenues for the sponsor and
landowner of the Property proposed as the Rancho Suisun Mitigation Bank.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed this 6th day of April, 2015 at San Rafael, California.

Tim DeGraff

BUCHMAN
PROVINE
BROTHERS
SMITH LLP
ATTORNEYS AT
LAW
WALNUT CREEK,
CA

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EXHIBIT “A”

Rancho Suisun Conservancy Mitigation Bank

Draft Prospectus

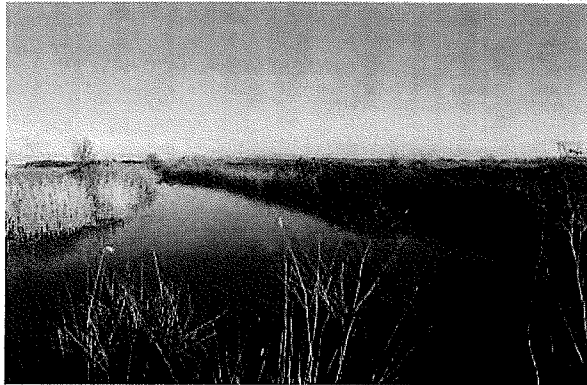
Solano County, California

Prepared For:

Ben Winslow
3223 Webster Street
San Francisco, CA 94123

WRA Contact:

Tim DeGraff
2169-G East Francisco Blvd
San Rafael, CA 94901



Date:

March 2015

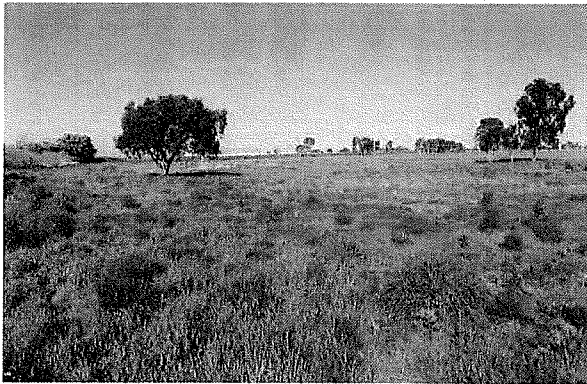


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1.0 INTRODUCTION

The Rancho Suisun Conservancy Mitigation Bank ("Bank") is proposed for tidal, seasonal wetland, stream, and riparian restoration in Solano County, California. The project is proposed as a privately sponsored mitigation bank by Ben Winslow, the Bank Sponsor. The proposed project would restore important fluvial, tidal, and wetland aquatic resources that may also serve as habitat for steelhead trout (*Oncorhynchus mykiss*), Ridgway's rail (*Rallus obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and valley elderberry long-horn beetle (*Desmocerus californicus dimorphus*). The project is located north of Suisun Bay, southwest of the City of Fairfield. The site is currently managed as agriculture and is on the fringe of managed and muted tidal habitats as well as tidally-influenced portions of the greater Suisun Marsh.

The Bank Sponsor proposes to generate mitigation and conservation credits by re-establishing, rehabilitating, enhancing, and preserving seasonal and tidal wetlands, stream channels, riparian and associated habitats located on the approximately 500-acre Bank Property. Credits generated from the activities would be available for use to compensate for impacts within the approved service areas.

1.1 Bank Contacts

The Property Owner, Bank Sponsor, and Consultant for the proposed bank are identified below.

Property Owner:

Dunnigan Hills Farming Co.
Brooks Stratmore
34 Alamo Square, Suite 200
Alamo, CA 94507

Bank Sponsor:

Ben Winslow
3223 Webster Street
San Francisco, CA 94123
Phone: 415-441-5943

Consultant:

Tim DeGraff
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
Phone: (415) 524-7257

1.2 Location

The proposed Bank Property consists of five parcels located east of the City of Cordelia and southwest of the City of Fairfield. The Bank Property is bisected by Chadbourne Road south of Highway 12 in Solano County, California (Figure 1). The 500-acre Bank Property is identified by APN 046-320-060, APN 046-320-200, APN 046-320-080, APN 046-320-180, and APN 046-010-110 by the Solano County Assessor's Office.

The proposed Bank Property is located in the Fairfield South 7.5-minute USGS quad (Figure 2). The elevation increases from 2 feet below sea level to 10 feet above sea level from south to north on the Bank Property. This elevation gradient provides an excellent opportunity to restore a diversity of wetland types and aquatic features.

2.0 REGIONAL AND WATERSHED CONTEXT

2.1 Hydrology

The Bank Property is located in the Suisun Bay (Hydrologic Unit Code (HUC) 1805000104) and Wooden Valley Creek-Frontal Suisun Bay Estuaries (HUC 1805000101) watersheds. Suisun Bay is characterized primarily by managed tidal marsh. The Suisun Bay consists of tidal wetlands, bays and sloughs, as well as uplands. The Suisun Bay is located at the transition from the Sacramento River to the San Francisco Bay. The Wooden Valley Creek –Frontal Suisun Bay Estuaries border the Suisun Bay watershed to the west, north, and east. The sub-watershed drains to the Suisun Bay. It is characterized by farmland, vineyards, oak woodlands, and developed areas, such as residential and urban development associated with the City of Fairfield, Suisun City, and Travis Air Force Base. The Bank Property is within what was historic tidal marsh (Figure 3) of the larger Suisun Marsh (Figure 4).

2.2 Suisun Marsh Restoration

Suisun Marsh is the largest contiguous brackish water marsh remaining on the west coast of North America. It is a critical part of the San Francisco Bay-Delta estuary ecosystem (EcoAtlas 2015). Approximately 7,782 acres (Siegel et al. 2010) of the original 68,000 acres (EcoAtlas 2015) of fringing marsh that were historically Suisun Marsh remain today. About 52,000 acres in the Suisun are diked marsh managed largely as waterfowl hunting clubs (Siegel et al. 2010).

The Bureau of Reclamation and U.S. Fish and Wildlife Service (USFWS), in partnership with the California Department of Fish and Wildlife (CDFW), have prepared the Suisun Marsh Habitat Management, Preservation and Restoration Plan (the Plan). The Plan calls for 5,000 to 7,000 acres of tidal restoration and 40,000 to 50,000 acres of managed wetland enhancement to benefit wintering and breeding waterfowl (DWR 2015). The Suisun Marsh was split into four regions within the Plan (Figure 5). The Bank Property is within Region 1, which is targeted for 500 to 2,250 acres of tidal wetland restoration (ICF 2013).

The California Legislature passed and the Governor signed in September, 1974, the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974. The Act directs the San Francisco Bay Conservation and Development Commission (BCDC) and the CDFW to prepare the Suisun Marsh Protection Plan "to preserve the integrity and assure continued wildlife use" of the Suisun Marsh. The objectives of the Plan are to preserve and enhance the quality and diversity of the Suisun Marsh aquatic and wildlife habitats and to assure retention of upland areas adjacent to the Marsh in uses compatible with its protection (BCDC 1976). The Bank Property consists of Secondary Management Areas of the Suisun Marsh Preservation Act (Figure 6). "Secondary management area" means the upland grasslands, cultivated lands, and low-lying areas adjacent to the primary management area specified on the map identified in Section 16 of that chapter of the Statutes of the 1977-78 Regular Session enacting this division.

2.3 Adjacent Properties

The Bank Property is surrounded by agricultural lands, the Fairfield Suisun Sewer District treatment facility, complementary restoration efforts and protected lands, managed wetlands, as

well as active tidal marsh (Figure 7). The Bank Property is adjacent to an area of Suisun Bay known as Grizzly Bay (CDFW 2011). To the east is the Grey Goose Unit of the Grizzly Island Wildlife Area managed by the CDFW. Grizzly Island Wildlife Area is managed as wetlands supporting public waterfowl hunting areas. The area is assessable by boat from Suisun Slough to Boynton Slough. The 73-acre unit is designated as a "type C" hunting area (meaning that access is self-serve and no fee is required) (CDFW 2015). In addition, the CDFW manages the Peytonia Slough Ecological Reserve and the Hill Slough Wildlife Area to the northeast (Figure 8).

The Bank Property is bordered to the south by additional privately owned properties. The Solano Land Trust has several landholdings in the vicinity, including Rush Ranch Open Space, Valine Ranch, King Ranch, Vallejo Swett, Eastern Swett, and Lynch Canyon. The Nature Conservancy owns and manages the Suisun Marsh Easement to the northeast (Figure 8).

2.4 Water Quality

The Suisun Marsh wetlands are listed in the 2010 Clean Water Act Section 303(d) impaired water bodies list as impaired by mercury, low dissolved oxygen/organic enrichment, nutrients, and salinity. The San Francisco Bay Regional Water Quality Control Board (RWQCB) initiated a total maximum daily load (TMDL) project. According to the TMDL (2012), water quality in the Suisun Marsh is mainly influenced by the flows from the Sacramento-San Joaquin Delta, Bay tidal action, and runoff from local watersheds that may contribute pollutants from urban, agricultural, and industrial activities. The Suisun Marsh is listed as impaired due to Dissolved Oxygen, Mercury, and nutrients. The advanced secondary level Fairfield-Suisun Wastewater Treatment Plant, which serves more than 130,000 residential, commercial and industrial customers, is located in the northwest portion of the marsh, was identified as in combination with managed wetlands were identified as causes of impairment. Recommendations to address the impairment included changes in the management of wetlands and the flood/drain activities of all managed wetlands and restoring managed wetlands to tidal marsh.

3.0 EXISTING CONDITIONS

3.1 Aquatic Resources

The Bank Property is hydrologically dissected into three regions, north, south and west. The northern 400+/- acres drain north to south into the main drainage canal, an east-west trending, maintained ditch that is an extension of Boynton Slough. The main canal is tidally influenced and during high tides, water levels are within 6- inches of the top of the northern bank (approximately 6' MSL), during low tides the canal maintains water levels that are over 1-foot in depth (Property Owner pers. com. February, 2015). A partially functioning tidegate is located approximately 600 feet west of the eastern Property Boundary, this tidegate mutes the tidal activity of the main canal and its tributaries west of the tidegate. Three north-south trending ditches are tributary to the main canal, all of which are subject to tidal activity but also receive runoff from adjacent uplands and off-site sources. The western most ditch is physically connected to the Suisun Valley Irrigation District ditch, however during the summer months a gate separates the tidal waters from the irrigation water, during the winter the irrigation gates are opened and runoff flows through this ditch into the Main canal. The central ditch is adjacent to Cordelia Road and conveys local runoff from the north as well as tidal flows from the south. The eastern ditch ends in a manual gate that keeps tidal flows from Boynton Slough from entering an existing saltmarsh in the northeastern portion of the Bank Property. There is also a man-made pond, fringed with saltmarsh vegetation in the northeastern corner of the Bank Property.

South of the main canal is a maintained levee the top of which is at 9-10 feet MSL. South of the levee, 145 acres of the Bank Property drains north to south from elevations of 5 feet above MSL to the historic Peltier Slough (-1 foot below MSL). After leaving the Bank Property to the south Peltier Slough traverses private property until it reaches a pumping station where water is pumped off of subsided, diked tidelands back into Suisun Bay. A few potential seasonal wetlands exist within the southern area (a wetland delineation has not yet been conducted).

The western-most 1.5 acres of the Bank Property consist of Suisun Valley Creek and its associated riparian habitat. This area is separated from the rest of the Bank Property by a 7-foot tall levee (crest elevation at 11 feet above MSL). While currently isolated, hydrologically, the existing main canal and Suisun Valley Creek are separated by only about 150-feet of uplands, primarily levee.

3.2 Vegetation Communities

Nearly the entire Bank Property consists of cultivated farmland (Figure 9). Tilled, irrigated fields vegetated with non-native grasses cover the majority of the Bank Property. Boynton Slough, the main canal, tributary ditches and the southwestern corner of the property contain marsh vegetation including cattails (*Typha sp.*), tules (*Schoenoplectus spp.*), common reed, (*Phragmites australis*), salt grass (*Distichlis spicata*), pickleweed (*Salicornia pacifica*), etc. The banks of Suisun Valley Creek include riparian species such as elderberry (*Sambucus nigra*) and willows (*Salix spp.*). Special-status plant species in the vicinity are shown in Figure 10.

3.3 Wildlife Habitat

The Bank Property has the potential to support the full range of wildlife species typical of the region including numerous special status species. Suisun Valley Creek is designated critical habitat for steelhead (*Oncorhynchus mykiss*) and its associated habitats may provide habitat for valley elderberry longhorn beetle as well as Pacific pond turtle (*Actinemys marmorata*). Restoring a tidal regime to the site would improve connectivity to adjacent waters and baylands, thus increasing export of productivity and increasing the available food resources for Delta Smelt (*Hypomesus transpacificus*), Longfin Smelt (*Spirinchus thaleichthys*), Sacramento Splittail (*Pogonichthys macrolepidotus*), outmigrating Chinook Salmon (*Oncorhynchus tshawytscha*) and Steelhead (*Oncorhynchus mykiss*), and Green Sturgeon (*Acipenser medirostris*) (Figure 11). The farmlands and non-native grasses on the Bank property provide foraging habitat for raptors. The tidal marsh has the potential to support numerous special status species including salt marsh harvest mouse, Ridgeway's rail, black rail (*Laterallus jamaicensis*), and several rare plant species (Figure 12).

4.0 PROPOSED MITIGATION ACTIONS

Potential mitigation activities are depicted on Figure 13 and include 1) re-establishment of tidal wetland habitats through removal of tide gates on Boynton Slough and grading of adjacent farmlands to allow for tidal connectivity. 2) re-establishment of new tidal channels and widening of various smaller channels to increase hydrological connections 3) re-establishment of floodplain riparian habitats along Suisun Valley Creek. 4) establishment of seasonal wetland complexes in low lying areas adjacent to and topographically higher than the re-established tidal marsh, and 5) planting of oak woodlands.

4.1 Tidal Marsh Re-establishment

The northern portion of the Bank Property is not diked and is at suitable elevations (4-11 feet above MSL) to allow for the re-establishment of tidal marsh habitat. Potential tidal restoration in this area would focus on the removal of the tidegate on Boynton Slough, and the manual gate on the eastern most ditch as well as grading to lower the adjacent farmland by 1-2 feet. Tidal restoration in these areas may also include the construction of new channels/sloughs to distribute tidal flows across a larger marsh area. Hydrologic studies will be conducted to determine the appropriate elevations for re-established marsh habitat in these areas and to assess whether tidal muting would be a limiting factor to accomplish the target hydrologic regimes. In addition, the hydrology study will determine if the restoration would significantly affect the tidal prism in the region to an extent that would impact the ability of nearby duck clubs to manage water levels within their property. To allow for greater tidal exchange and connectivity of aquatic habitats, the main canal may also be connected via a new channel to Suisun Valley Creek in the west, this is discussed further in the following Floodplain Riparian Re-establishment section. Tidal marsh areas would be re-vegetated with native brackish and salt marsh species and could be designed to provide habitat for salt marsh harvest mouse and Ridgeway's rail. If the hydrology study determines that tidal marsh restoration is infeasible then seasonal wetland habitat would be designed in this region of the Bank Property.

4.2 Floodplain Riparian Re-establishment

Suisun Valley Creek is confined between two constructed levees, however the tidally influenced water surface elevations in the creek are expected to be similar to those in the Boynton Slough following removal of the tidegate. South of the main canal and east of Suisun Valley Creek, existing ground surface elevations are too low to allow for floodplain access, however the expected fill generated from the tidal marsh restoration discussed above could be utilized to raise the ground elevation of a 50-acre area by 3-4 feet. Placement of this fill adjacent to Suisun Valley Creek would be coupled with the relocation of the levee to a more eastern alignment that would restrict flood events to the limit of the creek and the new floodplain. There is also the potential for the addition of a new channel connecting Suisun Valley Creek to Boynton Slough through this floodplain which would greatly improve flood conveyance and tidal action in the re-established riparian and marsh habitats. Riparian habitats would be revegetated with native riparian species such as willows, oaks, and elderberry and could provide habitat for valley elderberry longhorn beetle, pacific pond turtle and steelhead.

4.3 Seasonal Wetland Establishment

Low-lying areas that are less suitable for tidal marsh restoration may be targeted for the establishment of seasonal wetland. These wetland complexes would be fed by direct precipitation and localized runoff from their adjacent watersheds. The southern area of the Bank property contains hydric clay soils that are expected to be able to support wetland complexes of moderate size and density, while the northern portion of the property contains clay-loam soils over a shallow groundwater table which are expected to be capable of supporting less dense wetland complexes. Wetland complexes would be constructed through the excavation of interconnected depressions and swales and would provide transitional habitats between the uplands and re-established tidal marsh habitats. Seasonal wetland habitats would be vegetated with native annuals typical of seasonally ponded habitats such as spike rush (*Eleocharis spp.*), knotgrass (*Paspalum distichum*), *Carex spp.*, fringed willowherb (*Epilobium ciliatum spp. watsonii*), Manna Grass (*Glyceria leptostachya*), and bulrush (*Scirpus*

spp.). The constructed seasonal wetlands may be able to support seeded populations of Contra Costa goldfields (*Lasthenia conjugens*) (Figure 14).

4.4 Oak Woodland – Grassland Transitional Planting Areas

Higher elevation areas within the Bank Property could be converted from cultivated graminoids to native oak woodlands and oak savannah. These areas would provide important shelter and food sources for the Bank Property's wildlife.

5.0 PROPOSED CREDITS

The Bank will be entitled through the Corps', Environmental Protection Agency's, USFWS, National Marine Fisheries Service and CDFW's Mitigation and Conservation Banking programs. The RWQCB may also be a signatory to the Bank. These agencies have developed interagency templates that enable the Bank to be entitled as both a wetland mitigation bank as well as a species conservation bank.

Several types of credits have the potential to be developed for Sensitive Habitats and Special Status Species in the Bank Property as a result of the potential mitigation activities discussed above. These include establishment/re-establishment (creation) credits for tidal wetlands, seasonal wetlands, stream, and riparian habitats. In addition to the aquatic communities, the Bank Property will support extensive grasslands and oak woodlands and will have the potential to support salt marsh harvest mouse, Ridgeway's Rail, Contra Costa goldfields, and steelhead and has the potential to provide credits for these species and habitats.

These credits would be for impacts authorized by the Corps under Section 404 of the Clean Water Act, CDFW under Section 1602 of the Fish and Game Code and under the California Environmental Quality Act, the RWQCB under Section 401 of the Clean Water Act, and the National Marine Fisheries Service and USFWS under Sections 7 and 10 of the Endangered Species Act, as well as under the Oak Protection Act.

6.0 PROPOSED SERVICE AREA

6.1 Seasonal Wetlands, Stream, and Riparian Service Area

The proposed service area for seasonal wetlands, streams, and riparian credits would include all or portions of the 10-digit Hydrologic Unit Codes in which the Bank Property is located and 10-digit HUCs adjacent to those, within the San Francisco District of the U.S. Army Corps of Engineers. The proposed service area would include the following 10-digit HUCs: Wooden Valley Creek-Frontal Suisun Bay Estuaries (1805000101) and Suisun Bay (1805000104); as well as Tulucay Creek-Frontal San Pablo Bay Estuaries (1805000204), Mount Diablo Creek – Frontal Suisun Bay Estuaries (1805000103), and Walnut Creek – Frontal Suisun Bay Estuaries (1805000102) (Figure 15).

6.2 Tidal Wetland Service Area

The proposed service area for tidal wetlands would be applicable for tidal wetlands and seasonal wetlands within the historic bay margin boundary. The service area would include the Suisun Marsh, and a portion of the shoreline within Contra Costa, Solano, and Napa Counties (Figure 16).

For species, service areas will be determined for each species if they are determined to be present following species surveys in 2015.

7.0 EXISTING EASEMENTS AND ENCUMBERANCES

According to a title report dated May 25, 2013, several apparent minor easements exist on the Bank Property. The title report names right of ways and roads, pipelines, water lines, and sewer main easements. The exact nature and extent of these easements would be determined and addressed prior to Bank Establishment. These easements will either be retired or removed from the Bank Property. These easements will not interfere with the purpose of protecting the aquatic resource and habitat values as intended by the Bank.

The title report also lists an easement affecting a portion of the surface rights on parcel # 046-320-180 and a portion of Parcel 046-032-080 (Figure 17). The surface rights on parcel # 046-320-180 are said to be reserved by Ruth T. Corson, et al through a deed recorded in 1954. Parcel 046-032-080 is affected a deed for surface rights held by George J. Tomasini and Janita Tomasini, Trustees of the George J. Tomasini and Juanita W. Tomasini Family Trust and Ruth T. Corson, Trustee of the Ruth T. Corson Family Trust. This deed was recorded in 1993. The status of these surface rights easements will be determined and addressed prior to establishment of the Bank. The surface rights will either be retired or rejoined to the Bank Property.

Finally, a portion of the Bank Property is affected by a Williamson Act – Land Conservation contract established in 2009. Cancellation of the contract would be sought prior to Bank Establishment. The management of the Bank is expected to be in compliance with the provisions outlined in the Williamson Act Contract.

8.0 REFERENCES

- [BCDC] Bay Conservation and Development Commission. 2012. Suisun Marsh Protection Plan, pursuant to Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974 (SB 1982). Available at http://www.bcdc.ca.gov/laws_plans/suisun_marsh#2.
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- Siegel, S., Enright, C., Toms, C., Enos, C., and Sutherland, J. 2010. Suisun Marsh Plan Draft Tidal Marsh and Aquatic Habitats Conceptual Model. In Suisun Marsh Habitat Management, Restoration and Preservation Plan. Final review draft. September 15.

Figures

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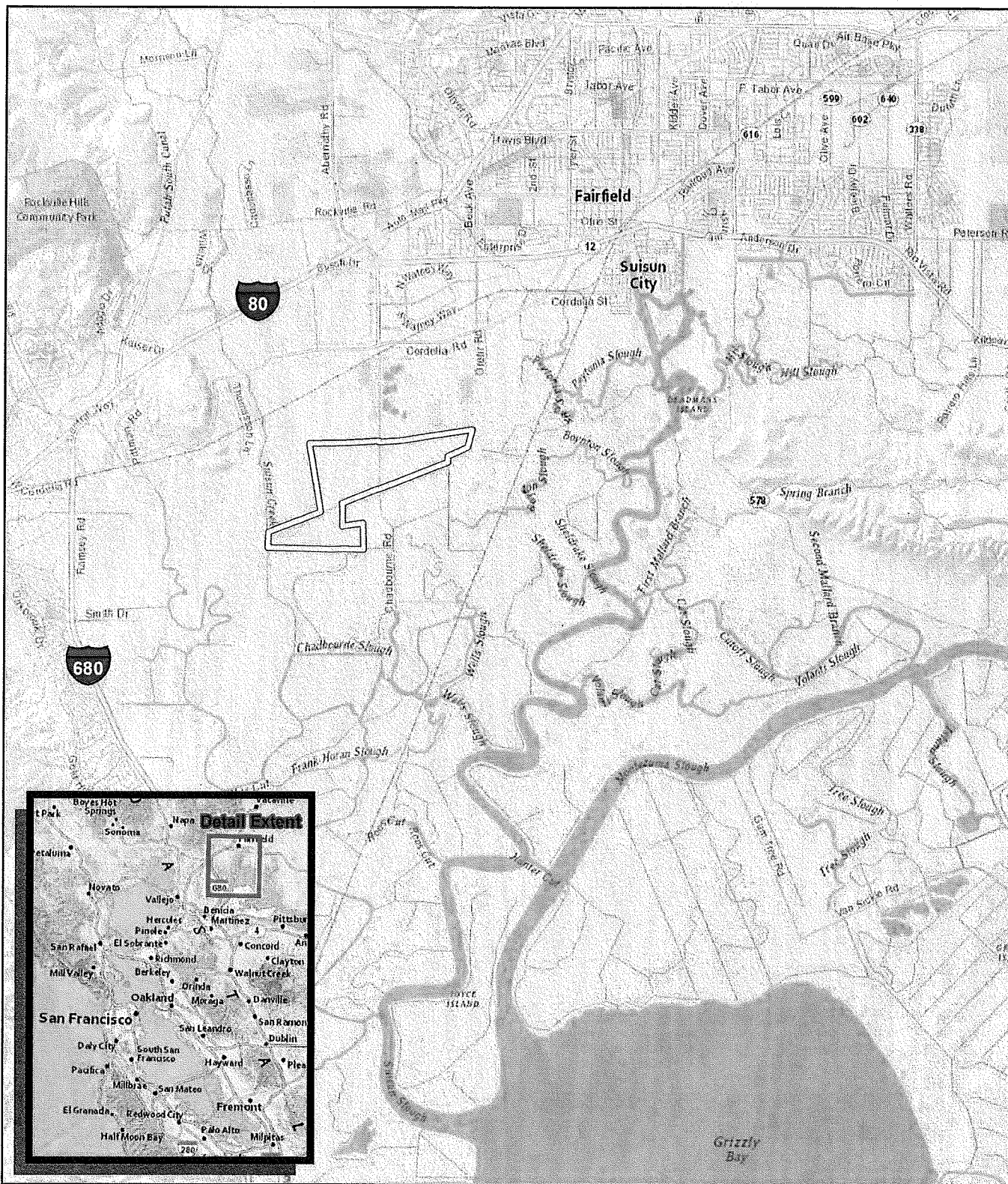


Figure 1. Bank Property Location Map

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California

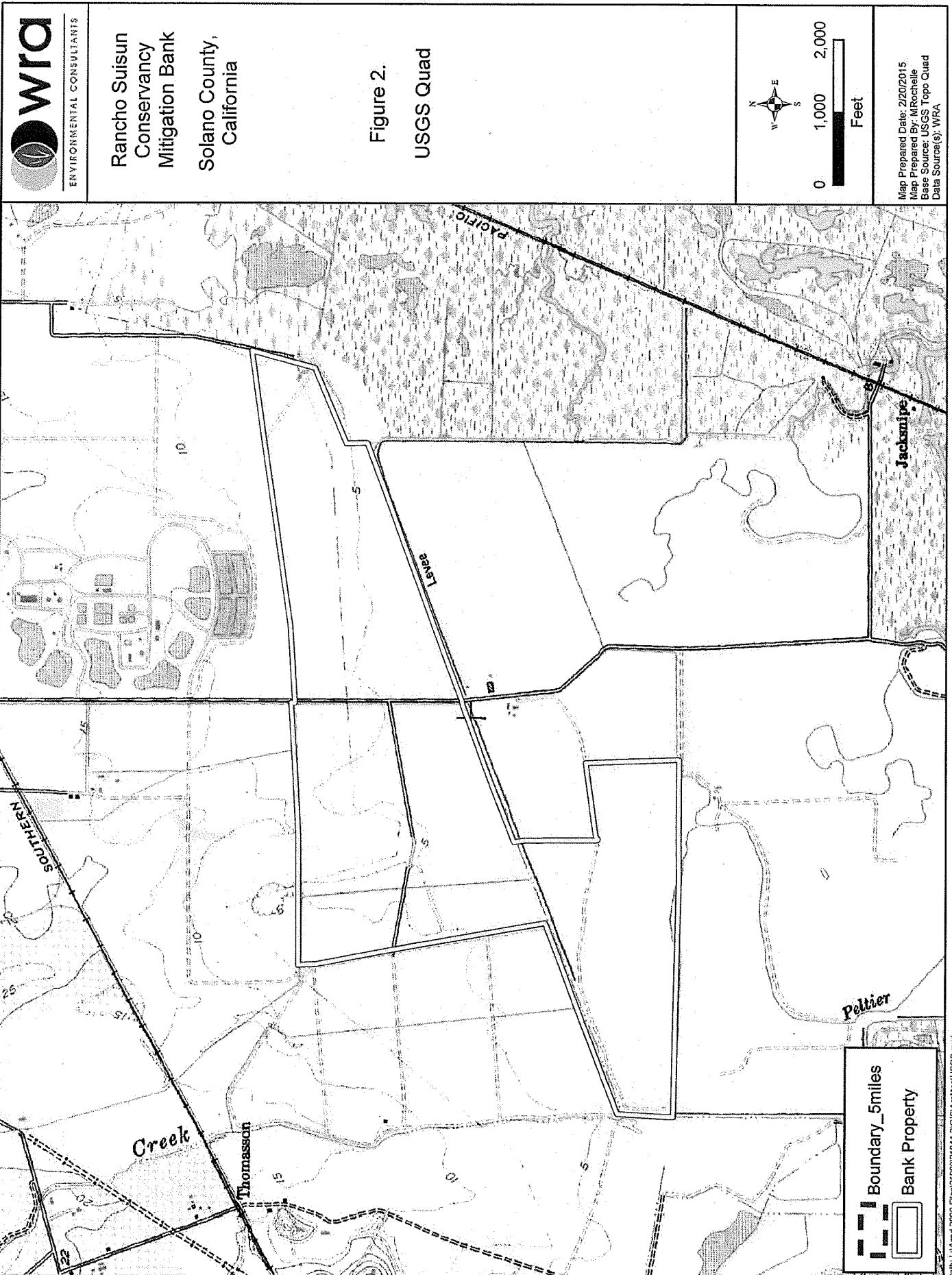


0 2,500 5,000 10,000
Feet



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: MRochelle
Base Source: National Geographic
Data Source(s): WRA



ENVIRONMENTAL CONSULTANTS

Rancho Suisun
Conservancy
Mitigation Bank
Solano County,
California

Figure 2.

USGS Quad



0 1,000 2,000
Feet

Map Prepared Date: 2/20/2015
Map Prepared By: M. Rochelle
Base Source: USGS Topo Quad
Data Source(s): WRA

- Boundary_5miles
- Bank Property

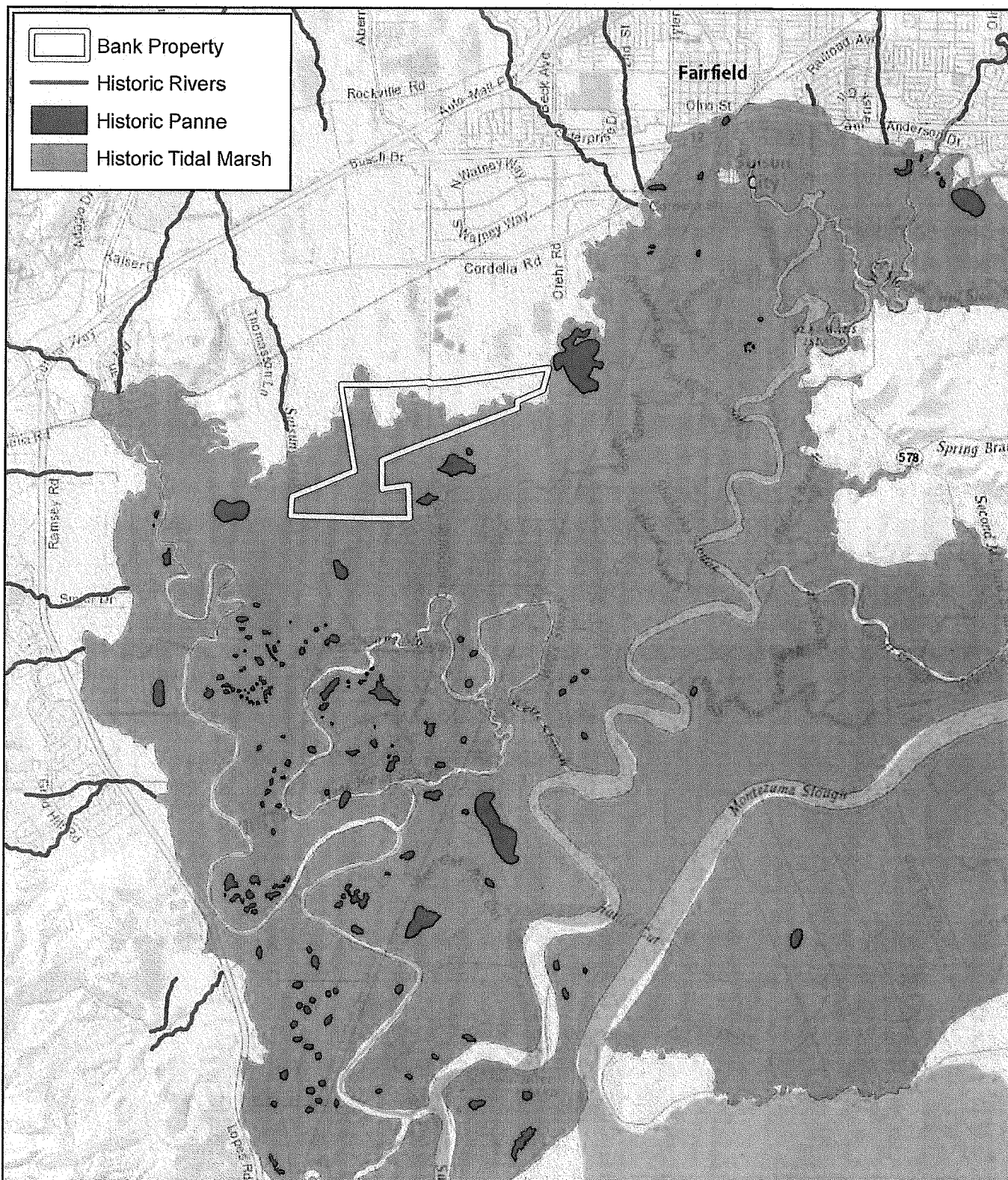


Figure 3. Historic Baylands

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California

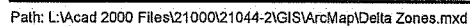


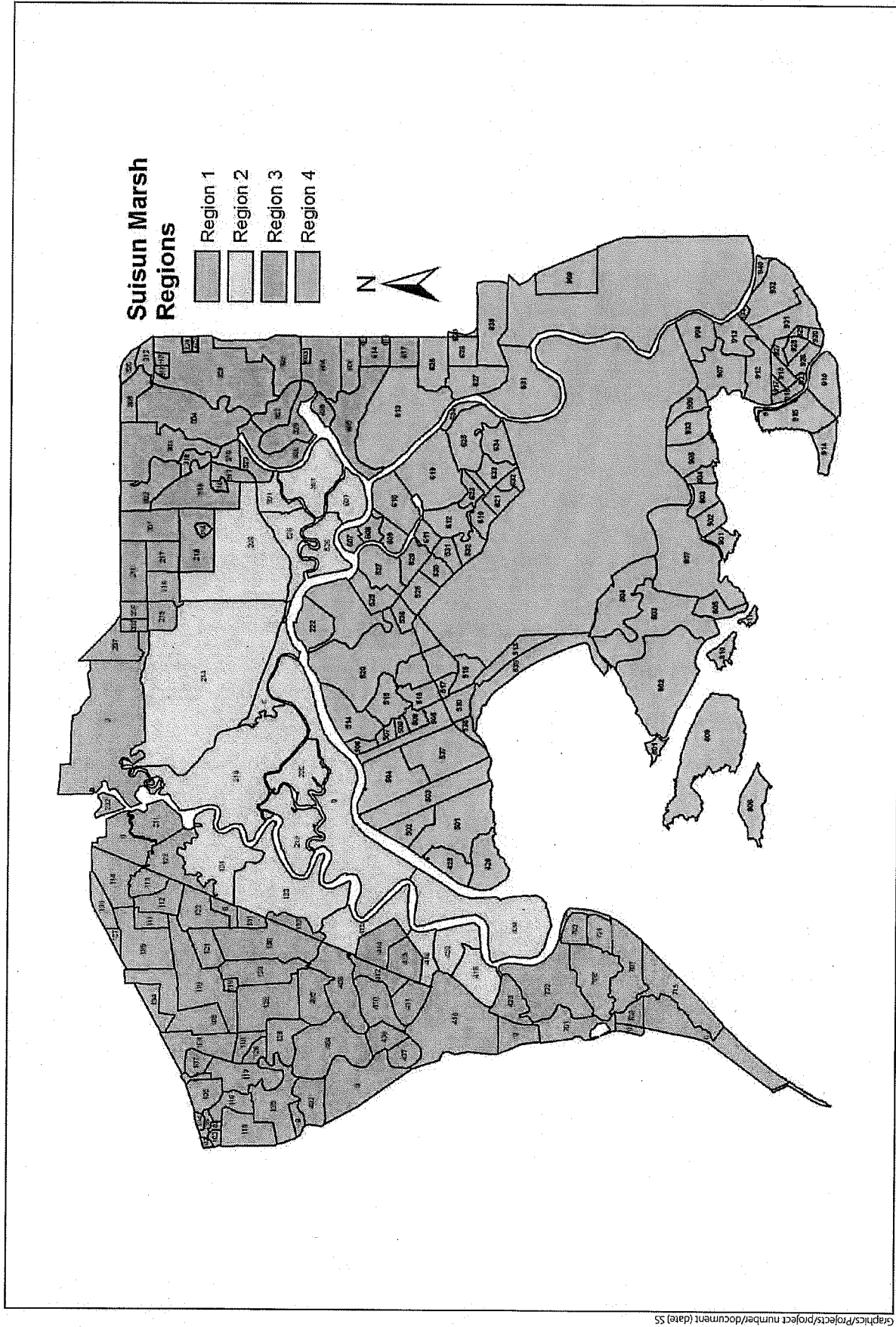
0 2,500 5,000 10,000
Feet



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: MRochelle
Base Source: National Geographic
Data Source(s): San Francisco Estuary Institute





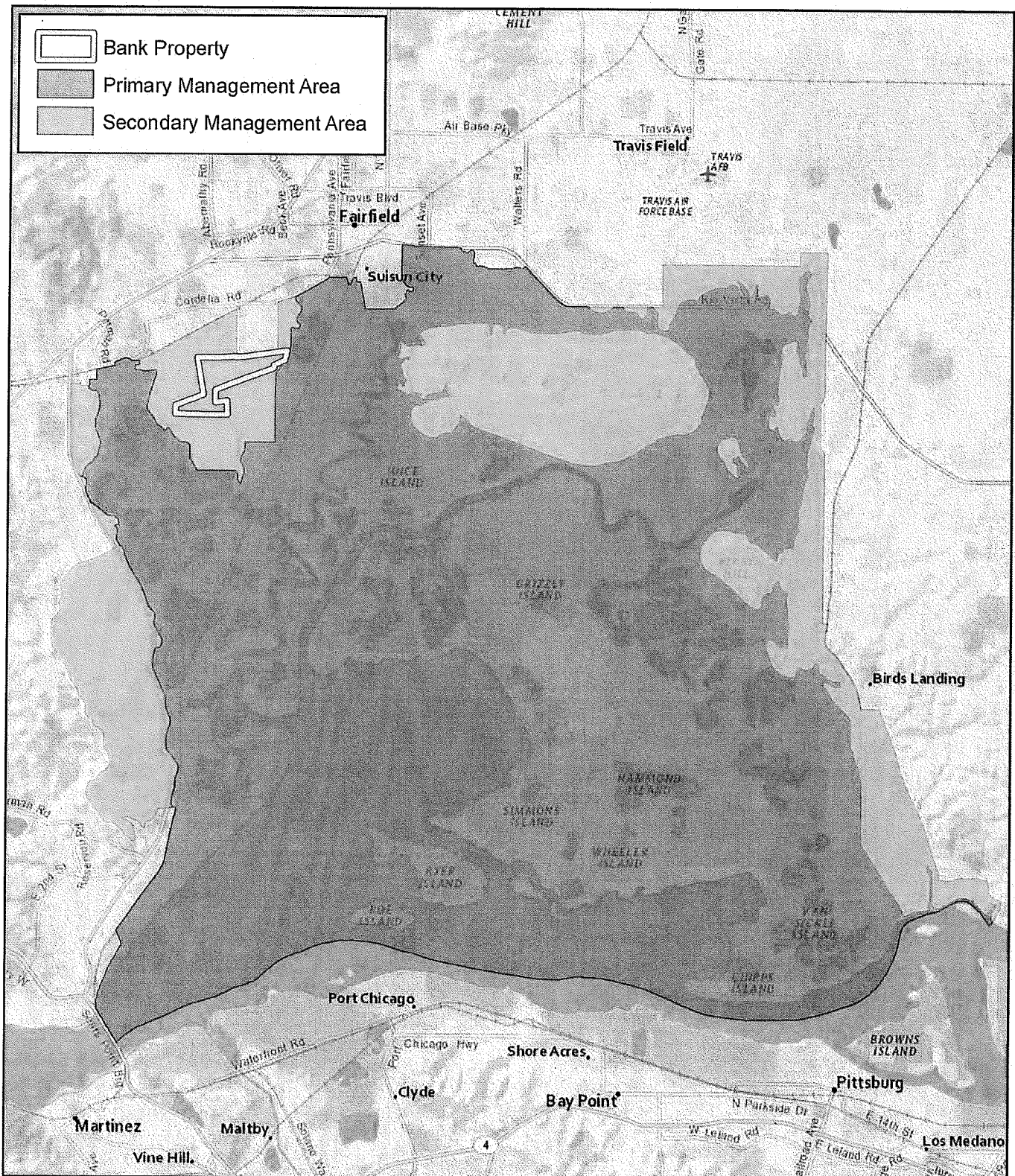


Figure 6. Suisun Marsh Protection Plan Map

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



0 1 2 4
Miles



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: M/Rochelle
Base Source: National Geographic
Data Source(s): Solano County Water Agency

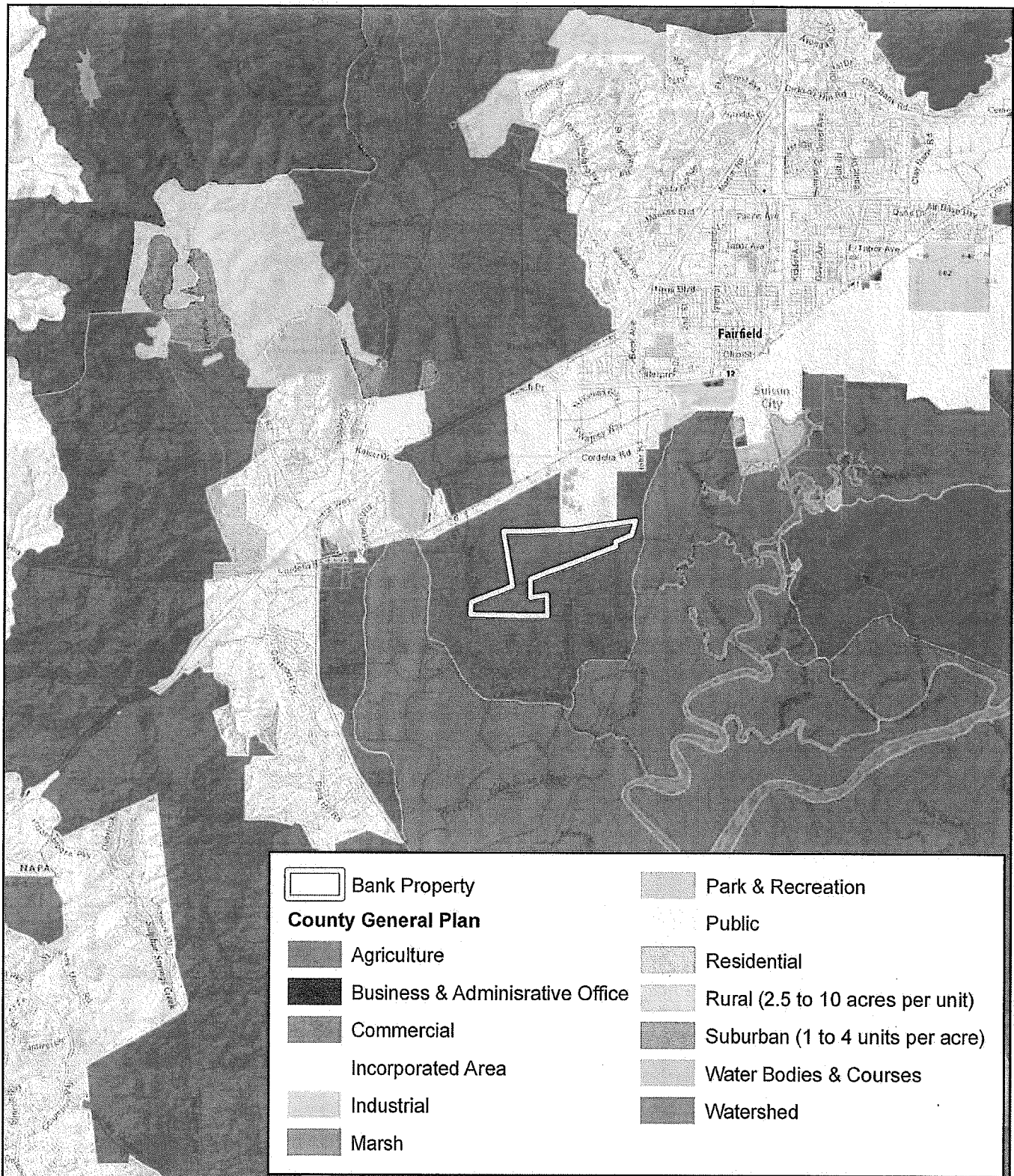
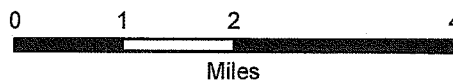


Figure 7. County General Plan

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: M/Rochelle
Base Source: National Geographic
Data Source(s): Solano County

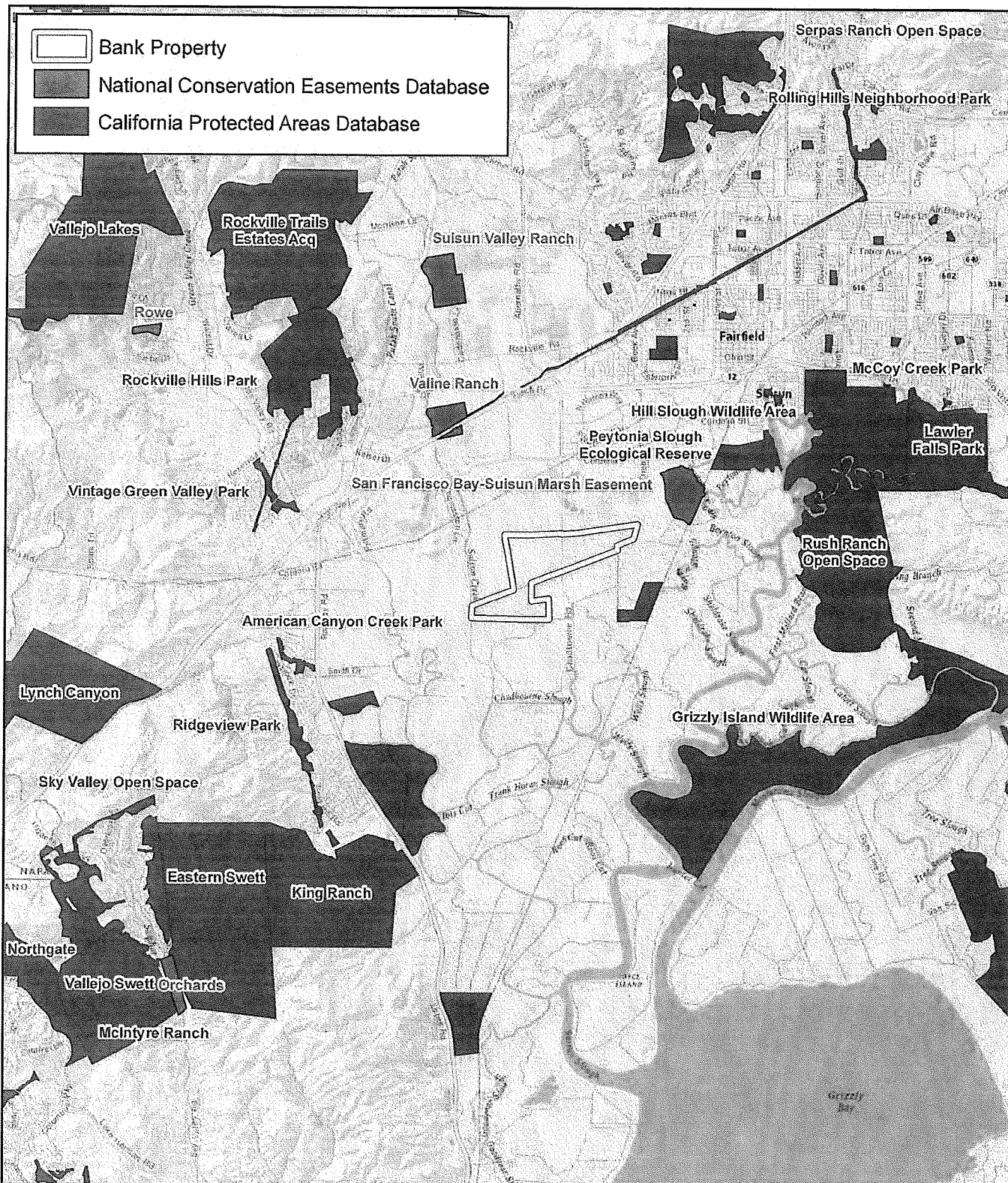
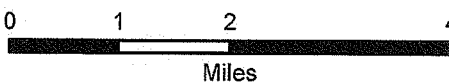


Figure 8. Protected Areas Map

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: M/Rochelle
Base Source: National Geographic
Data Source(s): CPAD & NCED



Rancho Suisun
Conservancy Bank
Mitigation Bank
Solano County,
California

Figure 9.
Recent Aerial



0 500 1,000
Feet

Map Prepared Date: 2/20/2015
Map Prepared By: Michelle
Base Source: Microsoft 2010 Aerial
Data Source(s): WRA



Bank Property

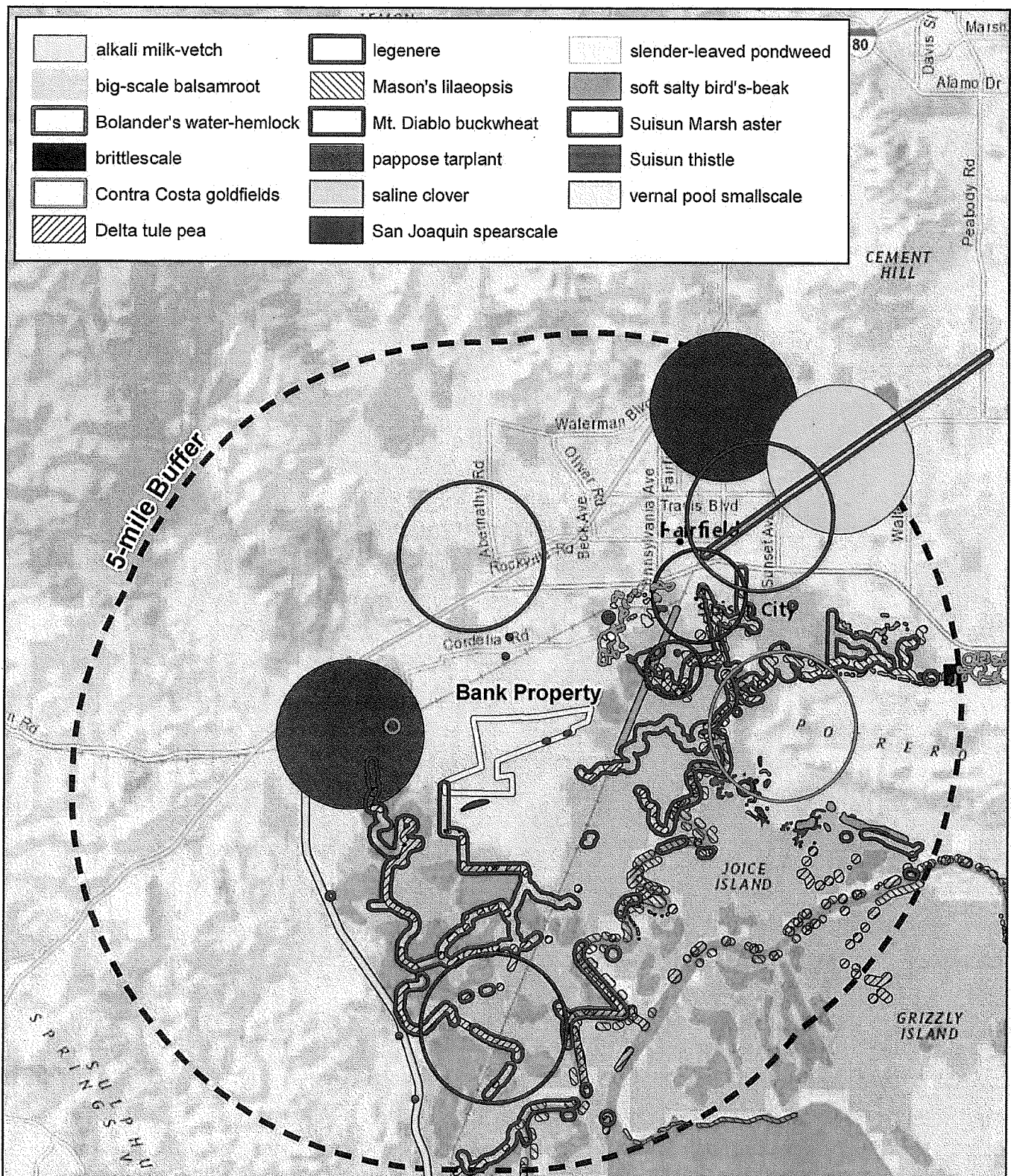


Figure 10. Special Status Plant Species within 5 miles of the Bank Property

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



0 0.5 1 2
Miles



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: M. Rochelle
Base Source: National Geographic
Data Source(s): CNDDDB (February 2015)

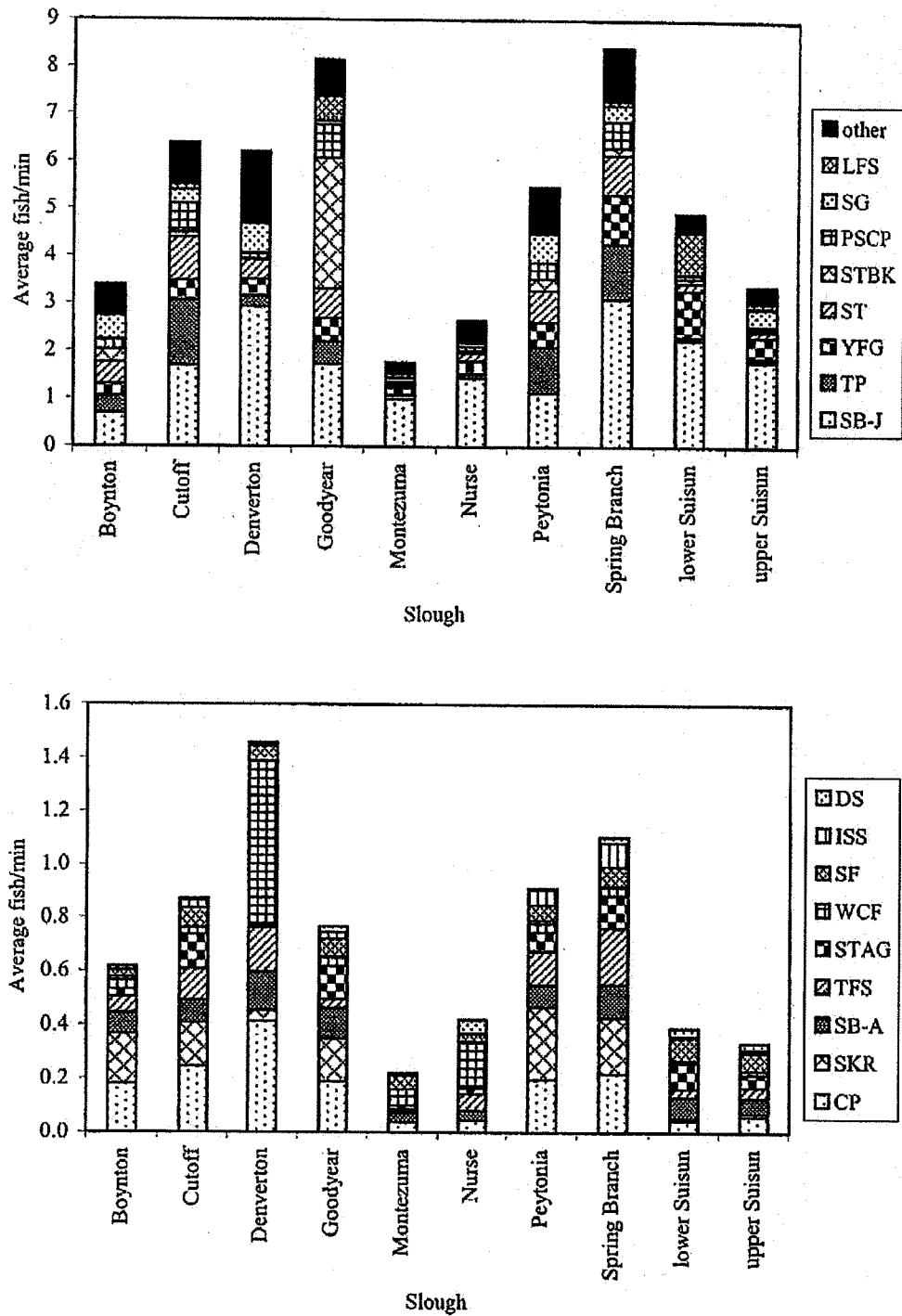


Figure 11. Average number of fish caught per minute of trawling in Suisun Marsh, by slough. Top panel shows values for species comprising more than 4% of the overall catch; bottom panel shows values for species comprising 0.25–4% of the overall catch. Select species codes: Yellowfin goby = YFG, Prickly sculpin = PSCP, Pacific staghorn sculpin = STAG, Smelt = DS; Longfin Smelt = LFS; Sacramento Splittail = ST, Shimofuri goby = SG, Threespine stickleback (STBK). Figure from Matern et al. (2002)

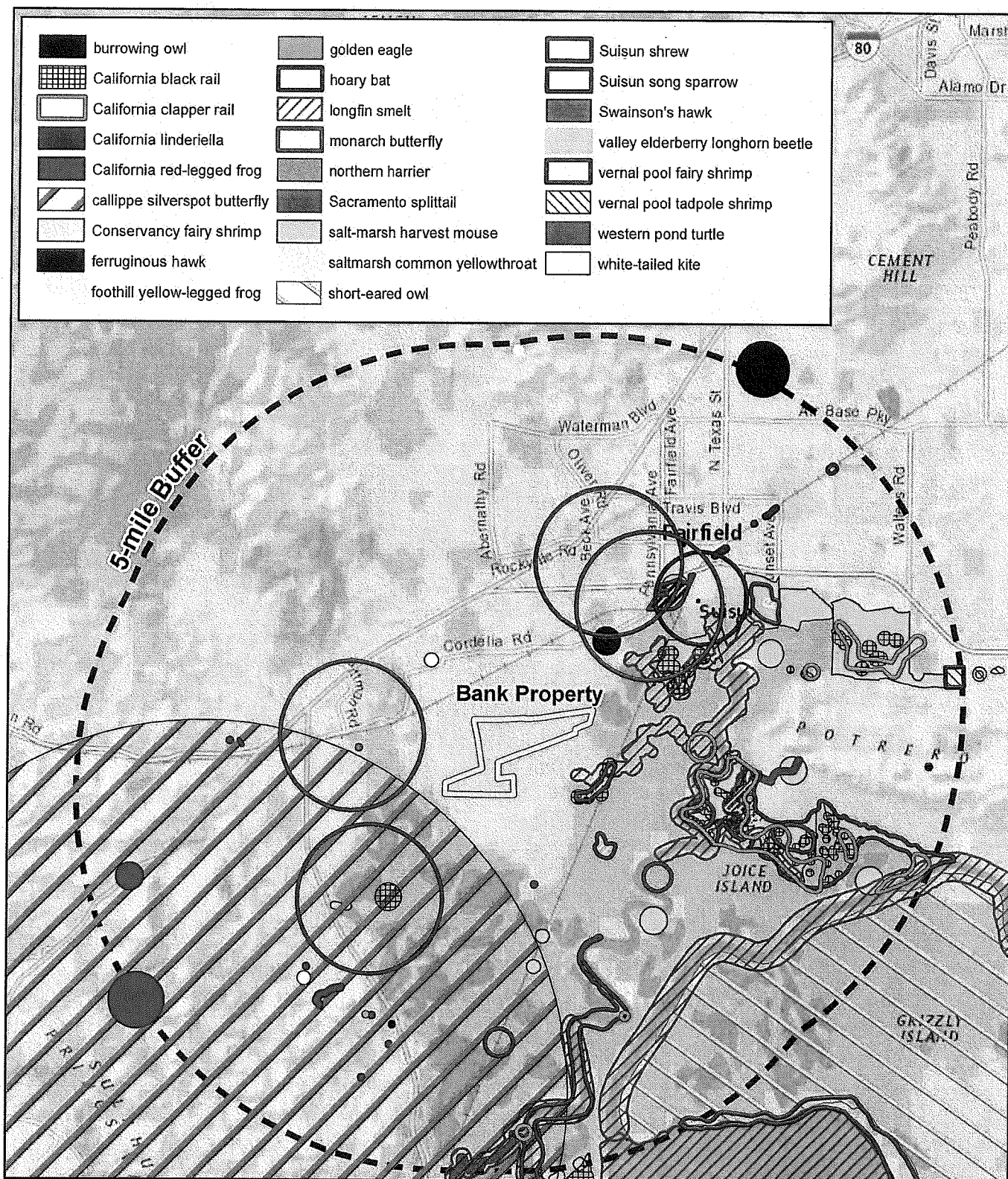


Figure 12. Special Status Wildlife Species within 5 miles of the Bank Property

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



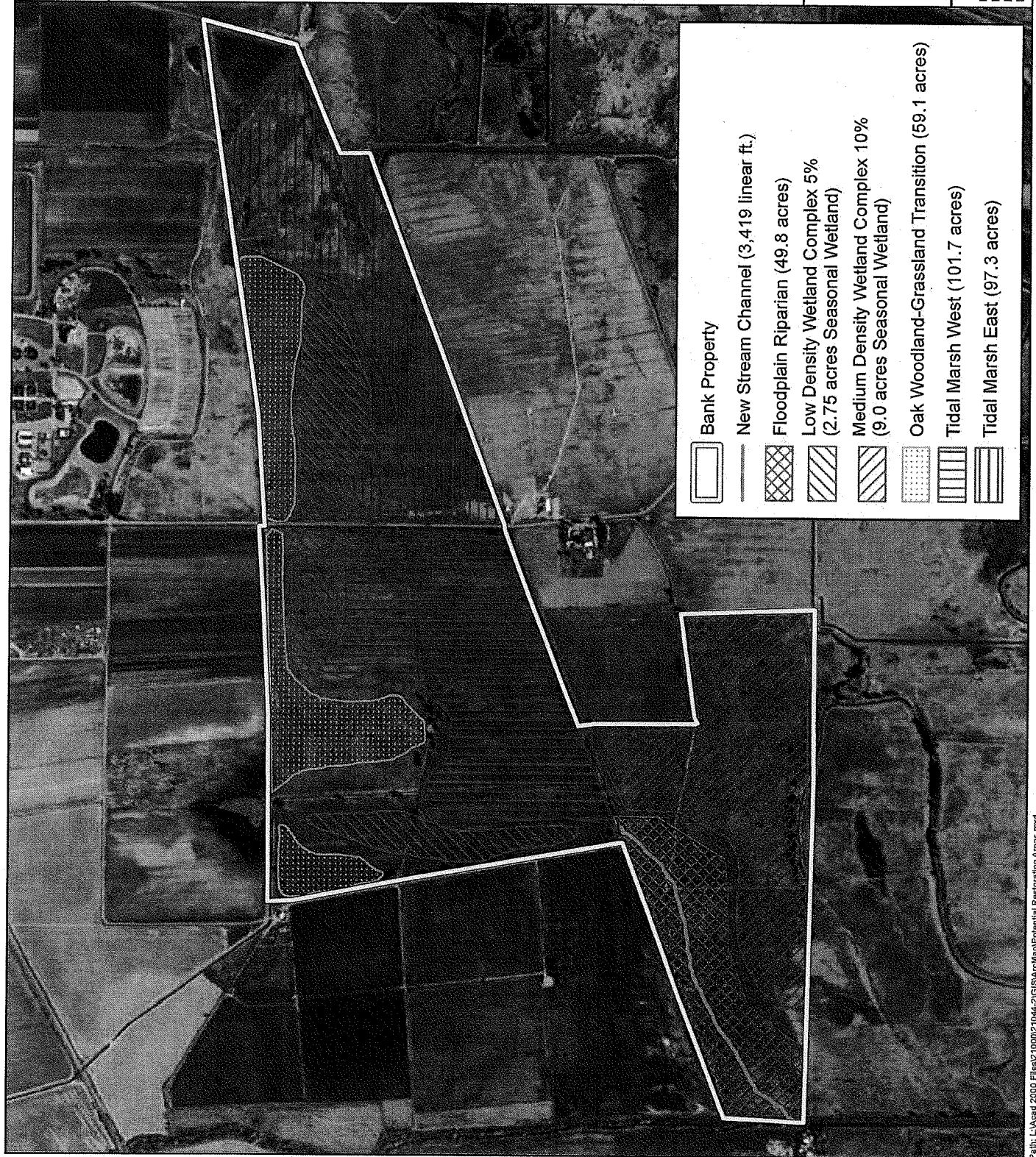
0 0.5 1 2
Miles



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/20/2015
Map Prepared By: M.Rochelle
Base Source: National Geographic
Data Source(s): CNDDDB (February 2015)

Figure 13.
Potential
Restoration Areas



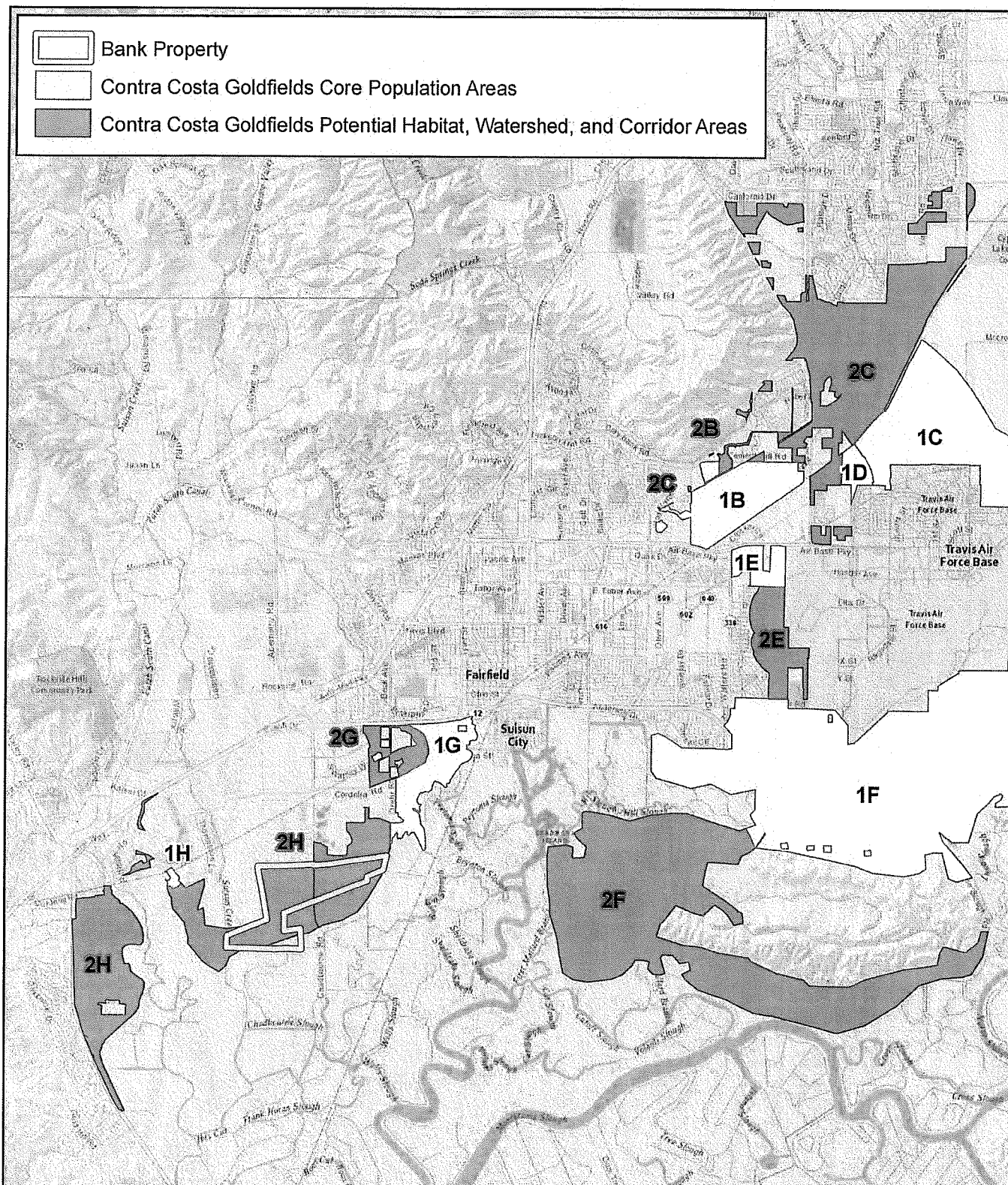


Figure 14. Contra Costa Goldfields Conservation Areas

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California



0 0.5 1 2
Miles



Map Prepared Date: 2/20/2015
Map Prepared By: M'Rochelle
Base Source: National Geographic
Data Source(s): Solano County Water Agency

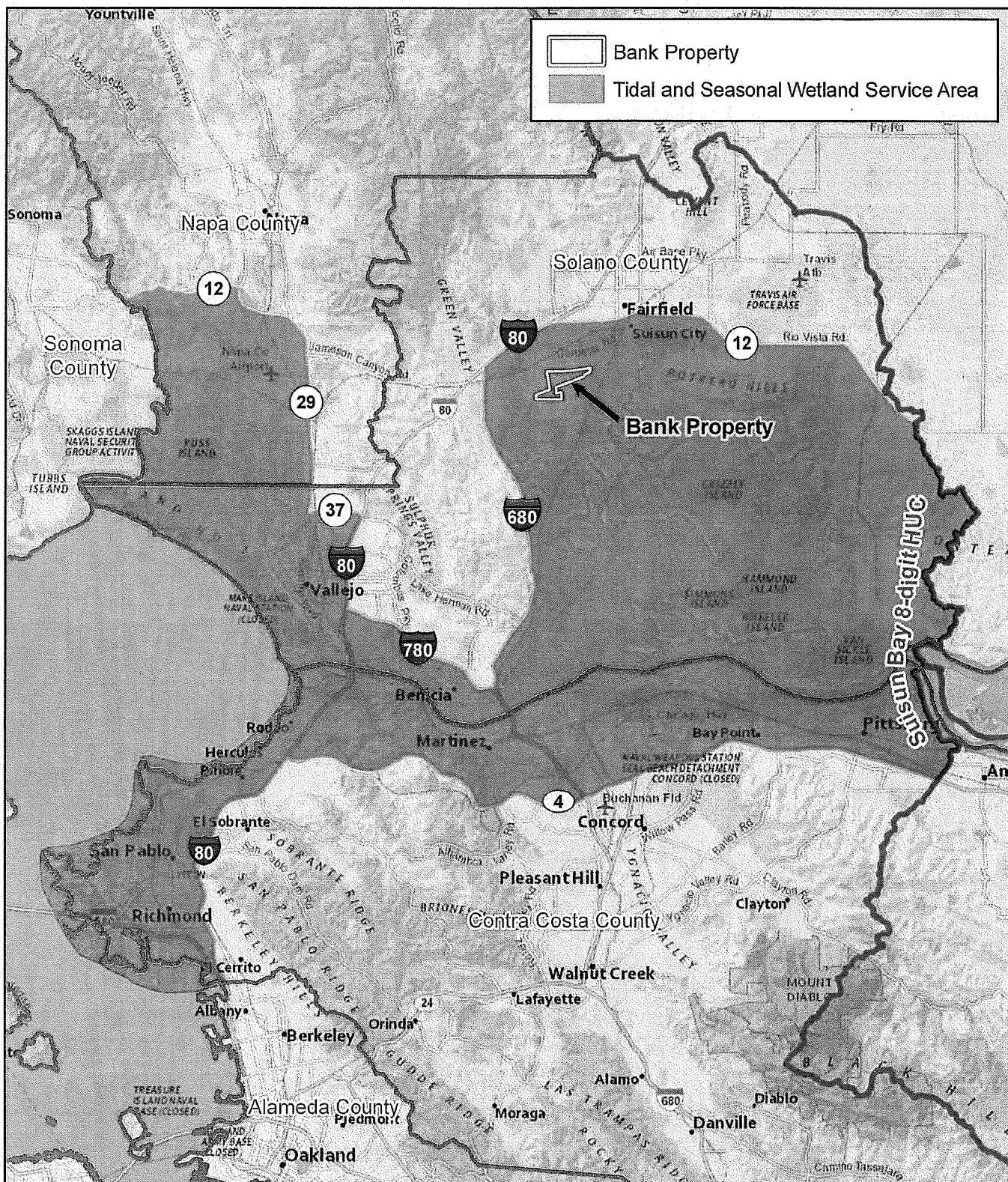
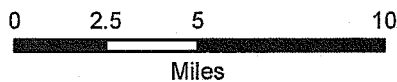


Figure 16. Tidal Wetland and Seasonal Wetlands* Service Area
 (*Only if Seasonal Wetlands are within the Historic Bay Margin)

Rancho Suisun Conservancy
 Mitigation Bank
 Solano County, California



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/25/2015
 Map Prepared By: MRochelle
 Base Source: National Geographic
 Data Source(s): WRA

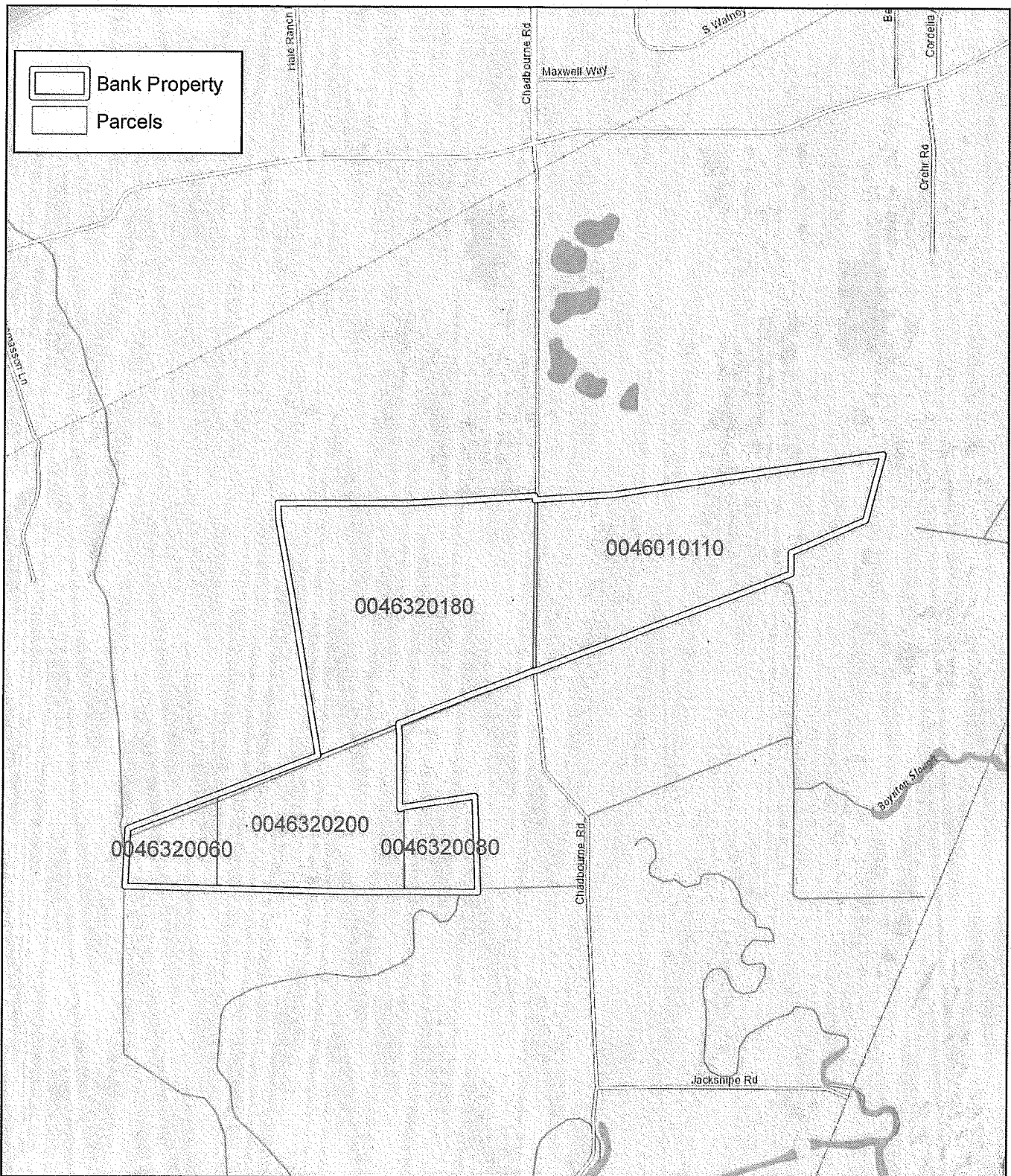


Figure 17. Parcel Map

Rancho Suisun Conservancy
Mitigation Bank
Solano County, California

0 0.375 0.75
Miles



ENVIRONMENTAL CONSULTANTS

Map Prepared Date: 2/12/2015
Map Prepared By: ksands
Base Source: National Geographic
Data Source(s): CPAD & NCED

PROOF OF SERVICE

I, Sandra Nelson, declare:

I am a citizen of the United States and employed in Contra Costa County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2033 N. Main Street, Suite 720, Walnut Creek, California 94596. On the below date, I served a copy of the within document(s):

DECLARATION OF TIM DEGRAFF IN SUPPORT OF OPPOSITION TO MOTION FOR PREJUDGMENT POSSESSION



(by overnight delivery) by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a collection box at Walnut Creek, California, and addressed as set forth below.

Kevin D. Lally, Esq.
Robin L. Thornton, Esq.
GREENAN, PEFFER, SALLANDER
& LALLY, LLP
P.O. Box 10
6111 Bollinger Canyon Road, Ste. 500
San Ramon, CA 94583

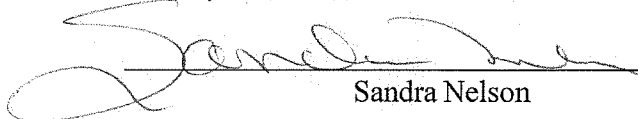
P: (925) 866-1000
F: (925) 830-8787
EMAIL:
klally@gpsllp.com
rthornton@gpsllp.com

Counsel for Plaintiff
SOLANO
TRANSPORTATION
AUTHORITY

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 6, 2015, at Walnut Creek, California.


Sandra Nelson